

City of Burien

BURIEN PLANNING COMMISSION MEETING

December 08, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

Planning Commission Members Present:

Jim Clingan, Joe Fitzgibbon, Janet Shull

Absent: Brian Bennett, Stacie Grage, Rebecca McInteer, Rachel Pizarro

Others Present:

Chip Davis, planner

Chair Fitzgibbon called the meeting to order at 7:02 p.m. At the call of the roll all commissioners were present except Commissioners Bennett, Grage, McInteer and Pizarro.

Agenda Confirmation

No motion was made due to lack of a quorum.

Public Comment

None

Approval of Minutes

None

Old Business

None

New Business

- a. *Presentation and Discussion: Proposed Ordinance and Burien Zoning Code Amendment Relating to Downtown Fee-in-Lieu of Parking*

Chip Davis, planner, presented a brief overview of the work done to date on downtown parking, beginning with a study of downtown parking capacity and demand in 2005. The resulting stakeholder group report, issued in 2007, included a recommendation to establish a fee-in-lieu-of-parking (FILOP) program to eliminate a possible barrier to downtown development and provide another tool to encourage redevelopment of existing properties in the downtown. This year, the City's consultant, Transportation Solutions, Inc., completed a preliminary study of a fee-in-lieu-of-parking program that would serve as an alternative to minimum onsite parking requirements in the zoning code for nonresidential development in downtown Burien. The study serves as the basis for the proposed ordinance and zoning code amendments now being presented to the commissioners. Mr. Davis noted that Burien Comprehensive Plan goal TR 9, Parking, provides specific policy guidance regarding parking in downtown Burien.

Mr. Davis continued, saying that construction of onsite parking improvements is preferred to payments in lieu of construction of parking spaces, but in light of existing low-density development of the downtown,

it may be in the best interest of the community to accept payments in lieu of construction to assist in the redevelopment of the downtown area. Establishment of an optional fee-in-lieu-of-parking program would support redevelopment of the downtown into a more vibrant, pedestrian-friendly, transit-supportive urban form, he explained, while avoiding the negative impacts associated with development of onsite parking.

He stated that staff is recommending the fee-in-lieu program have a fixed fee per parking stall of approximately 70 percent of the cost of developing a downtown Burien parking stall. That figure is initially set in the ordinance at \$7,000 per stall. This proportional approach has been successful in other cities, Mr. Davis reported. The fee would be paid into a fund to provide publicly accessible parking spaces in the DC and SPA-1 zones or for other uses the City Council determines would reduce the demand for parking in downtown Burien. This, he continued, provides some flexibility as other uses could include pedestrian improvements, alternative transportation improvements such as bicycling and trails in the downtown, and multi-modal transportation projects, as long as it can be shown that the project would reduce the demand for parking.

Mr. Davis called the commission's attention to a handout, a revision to the meeting packet, Table 19.20-2 the parking rate demand schedule. He explained that this schedule takes into account the current Puget Sound economic environment and has been set at 90 percent of the typical transportation planning parking rates to serve as an incentive to developers to use the fee-in-lieu program. The program will be established through amendments to Burien Municipal Code 19.20, the Parking and Circulation chapter of the zoning code. Applicants will be allowed to meet all or a portion of their parking requirement through participation in the fee-in-lieu program. However, if the applicant uses a parking demand study to argue against the parking rate demand schedule in the fee-in-lieu program, the program will not be available to the applicant. Consideration will be given to applicants with special circumstances, such as being adjacent to the transit center, in which case a parking demand study may be their best choice.

Commissioner Shull asked if a developer could do a parking study to evaluate the cost-effectiveness of participating in the fee-in-lieu program; Mr. Davis responded yes, in fact, many large developments these days are required to do a parking study by their lenders. Commissioner Shull then asked if the table that the handout was replacing was *not* figured at the 90 percent of the typical transportation planning parking rates; Mr. Davis replied that was correct. He said the City's consultant revised the table based on two assumptions: that someday the economy would recover and empty storefronts would be filled and there would be a renewed demand for parking, and in reviewing the original rates, the consultant realized using ITE manual's parking demand rates for uses would provide a surplus of parking for some of the uses in Burien.

Commissioner Shull asked how the required parking would be determined if a developer didn't do a parking study or participate in the fee-in-lieu program. Mr. Davis said the parking requirement would be determined by using the updated Table 19.20-2. He explained that previously in the zoning code everyone was required to do a parking demand study, which didn't always make sense for small businesses.

Chair Fitzgibbon asked if the developer could provide no parking and just pay the fee, or provide some parking and pay a fee for the remainder of the required parking. Mr. Davis confirmed that was true, and noted that the City will be tracking the number of parking spaces that have been purchased through the fee-in-lieu program for each property to ensure that future tenants aren't charged again for those spaces.

Commissioner Clingan asked what happens if, for instance, a restaurant pays into the program, leaves its location, and a business with a lesser parking requirement moves in. Mr. Davis said the consultant, when asked that same question, said the new business would be "overparked." He said because it is a capital construction program, there are no provisions for providing refunds.

Commissioner Clingan then asked if there is a potential for conflict if the City Council chooses to use the money for something like pedestrian improvements or bicycle racks and the developer who paid in the money says the money isn't being spent the way he thought it would be spent. Mr. Davis said it will have

to be made very clear to participants that the program does not entitle them to specific, assigned parking spaces in the city; the money is paid into a general program for future construction of parking spaces.

Commissioner Clingan inquired as to whether there is a time limit for the City to use the funds to provide parking spaces. Mr. Davis responded that there is no statutory timeframe for use of the funds, but there is some flexibility in how the funds can be used and it is hoped that they will be used to construct additional parking spaces or for other projects that reduce the demand for parking relatively quickly.

Mr. Davis noted that in working with the parking rate demand schedule, most businesses don't easily fall into one use description or another and some interpretation and negotiation is required to find the best match for each proposed use.

The next steps in the schedule for consideration of the proposed ordinance and associated zoning code amendments, Mr. Davis explained, are as follows:

Dec. 15, 2009 – Public hearing before the Planning Commission

Jan. 12, 2010 – Discussion and possible recommendation by the Planning Commission to the City Council (if not done on Dec. 15th)

February 2010 – Consideration and possible adoption by City Council.

Commissioner Shull asked if there had been much input from the public regarding the potential fee-in-lieu program. Mr. Davis responded that there has been very little public participation but noted that presentations have been made to the Burien Business and Economic Development Partnership (BEDP) and its members are supportive of the program.

Commissioner Clingan asked how this program would work with the potential theater. Mr. Davis replied that being a large corporation, the theater company probably has a very good idea of how many people it is going to draw and how many parking spaces it will require. They will probably conduct a parking demand study as part of their effort to secure funding for the project. He added that the theater company is quite interested in the transit-oriented development (TOD) parking garage planned at the Burien Transit Center; the company sees that as a potential addition of 500 available parking spaces in the downtown that it can use during its peak time, which would be off-peak time for transit. There was discussion about the potential theater and the potential TOD.

Chair Fitzgibbon said he hopes the program is a tool that eventually can be used in other areas of the city. Mr. Davis confirmed that that is the intention.

Planning Commission Communications

None

Director's Report

None

Adjournment

The meeting was adjourned at 7:40 p.m.

Approved: January 12, 2010

/s/ Joe Fitzgibbon, chair